

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (Phentermine/  
Fenfluramine/Dexfenfluramine : MDL DOCKET NO. 1203  
PRODUCTS LIABILITY LITIGATION : ALL CASES

Philadelphia, Pa.  
March 4, 1998

BEFORE LOUIS C. BECHTLE, CH. J. EMERITUS

HEARING

APPEARANCES:

LEVIN, FISHBEIN, SEDRAN & BERMAN  
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For Plaintiffs

1 convinced I am at that point, until you talked  
2 about it. If you can arrive at some sort of a  
3 completion of your pretrial work by November 1, I  
4 don't have a problem telling Judge Katz he has a  
5 case on November 2nd.

6 MR. THISTLE: We will work it out. Thank  
7 you for your time.

8 THE COURT: There are one or two things.

9 Let me mention just one or two other items  
10 that everyone here has to be concerned about.

11 When cases are transferred here, many times  
12 they are transferred here and very little has been  
13 done in the transferror court. They have been filed  
14 there and they are a tagalong and everything kind of  
15 stops, that allows it to work.

16 Although, in many instances there are  
17 motions filed in the transferror court, some are  
18 motions to remand back to state court. For example,  
19 there might be other motions pending in the  
20 transferror court at the time that the case is to be  
21 transferred here. In virtually every instance, the  
22 transferror court, when that court learns that it  
23 could become involved in the MDL, they do not rule  
24 on any of those motions. Although they have the  
25 authority and, indeed, the power to do so, they --

1 it is a matter of custom, do not do it. It is  
2 better if they did, but they don't.

3 Point two. When the cases come here, all  
4 we receive, because of the waiver of the panel rule,  
5 all we receive is a copy of the complaint and docket  
6 sheet. We don't get the file, we don't have any  
7 file here for all of your cases. We have a  
8 complaint and the docket sheet. That's all that we  
9 have. That's all that we want.

10 Now, that leaves a question as to what  
11 about motions that were pending in the transferror  
12 court that aren't here. Okay. The answer to that  
13 is as follows: This Court will decide all of those  
14 motions. If the moving party furnishes to the Court  
15 -- it is very important, not files, but furnishes  
16 to the Court, that means send to chambers, do not  
17 file with the clerk -- furnish the Court with a copy  
18 of the motion and any papers I need. That includes  
19 opposition, a copy of that, send that to me. We  
20 will decide those motions.

21 Now, if you don't do it, I assume you don't  
22 want it decided. It will remain undecided in the  
23 transferror court.

24 So, again, if there is any motion that is  
25 pending in a transferror court that was not decided